

Human Rights Council Advisory Committee

Human Rights in post-disaster and post-conflict situations

QUESTIONNAIRE

as part of the consultations undertaken by the Human Rights Council Advisory Committee with National Human Rights Institutions with a view to preparing a research-based report on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations, pursuant to Council resolution 22/16.

Background:

Recognizing the need for a human rights-based approach to the delivery of humanitarian assistance and taking note of the Advisory Committee's research proposal submitted to the Human Rights Council¹, the Council, in its resolution 22/16, mandated the Advisory Committee to prepare a research-based report on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations, to foster the capacity of States in such efforts and which would have to be presented on the Council's twenty-eighth session (March 2015).

It is therefore in this context that the Advisory Committee decided, at its eleventh session held in August 2013, to appoint a drafting group² in charge of the preparation of this report. The drafting group will present a progress report at the twelfth session of the Committee in February 2014, before its submission to the twenty-sixth session of the Council (June 2014). The resolution also requests the Committee, in its preparation of the report, to seek views and inputs from different stakeholders, such as Member States, international and regional organizations working in post-disaster and post-conflict situations and civil society representatives. The drafting group therefore elaborated the hereunder questionnaire for National Human Rights Institutions.

Part I: General

1. Has your country faced a situation of disaster or conflict? If yes, please indicate below which one or both and kindly proceed to answer the following questions.

Disaster

Conflict

¹ A/HRC/AC/9/1, 10 August 2012.

² A/HRC/AC/11/L.1, 16 August 2013.

Part II: Post-disaster situations

1. Do you have a specialized mechanism to verify/monitor human rights protection and promotion during disasters? And during post-disaster actions?

There is no specialized, statutory mechanism in Hungary to verify/monitor human rights protection and promotion during disasters. During the last 18 years, however, Hungarian Ombudspersons have paid close attention to the way the state manages disasters. There have been numerous inquiries into such issues as preparing the population for disaster situations, notification mechanisms, issuing alerts, as well as salvaging and rescue operations, post-disaster damage control and management. Some of these inquiries were initiated by citizens/complainants, others were launched ex officio. (See "[Disaster Management Project, 2011](#)", published by the OCFR.)

2. Which human rights do you focus on?

Fundamental rights of people participating in rescue operations and protected groups (the rights to life, human dignity, physical and mental health, ban on discrimination).

3. Which human rights do you find that the Government focuses on? Which rights would you recommend the Government to focus on more?

The National Directorate General for Disaster Management concentrates, first and foremost, on protecting the lives of the population living in Hungary. During reconstruction and rehabilitation the NDGDM strives to respect all fundamental rights. The OCFR deems extremely important the higher level of protection of children and the most vulnerable groups, especially people with reduced mobility and/or communication.

4. Are you involved in capacity-building for the Government on a human rights-based approach to relief, recovery, reconstruction and rehabilitation after a disaster?

No, we are not, but we are monitoring it.

5. Have you noticed any discrimination or neglect in provision of services, relief, etc.? Are there protections/standards in place by the Government to ensure non-discrimination and the respect of the humanitarian principals of neutrality, independence, impartiality and humanity in provision of services, relief, etc.?

A) We definitely have not, as far as the population is concerned, but, in the case of those participating in rescue operations, we have (due to the lack and/or the deficiency of protective gear).

B) Although it is not characteristic while eliminating the negative consequences of emergencies and performing reconstruction and rehabilitation, it cannot be excluded completely. (Earlier there had been no specific rules for protecting the most vulnerable groups, i.e., the sick, children and people living with disabilities, during rescue operations. As a result of our investigation, we were promised that such protocols would be drafted and implemented.)

6. What are the biggest challenges you notice that the Government faces?

N/A

7. What are the biggest challenges that your organization faces?

N/A

Part III: Post-conflict situations

1. Do you have a specialized mechanism to verify/monitor human rights protection and promotion during armed conflict? In post-conflict stages?

No, we do not have any.

2. Which human rights do you focus on?

N/A

3. Which human rights do you find that the Government focuses on? Which rights would you recommend the Government to focus on more?

N/A

4. Are you involved in capacity-building for the Government on a human rights-based approach to relief, recovery, reconstruction and rehabilitation after a conflict?

N/A

5. Are you involved in capacity-building for the Government on a human rights-based approach in post-conflict stages, including peace building, transitional justice?

N/A

6. In these capacity-building exercises, do you include the humanitarian principles of humanity, impartiality and independence?

N/A

7. Have you noticed any discrimination or neglect in provision of services, relief, etc.? Are there protections/standards in place by the Government to ensure non-discrimination and the respect of the humanitarian principals of humanity, neutrality, impartiality and independence in provision of services, relief, etc.?

N/A

8. What are the biggest challenges you notice that the Government faces?

N/A

9. What are the biggest challenges that your organization faces?

N/A

Deadline for submission of responses to the questionnaire:

In order to give the Drafting Group the opportunity to take into account the different contributions, all parties are encouraged to submit their responses as soon as possible and at the latest by **8 November 2013**.

Answers can be submitted via email to the following address:

hrcadvisorycommittee@ohchr.org

OR

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Thank you for your contribution.

For more information on the Advisory's mandate:

<http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx>
